The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper No. 12

Filed by: Motions Panel
Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

MAY 3 - 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

VLADIMIR M. **ZAKOSHANSKY**
Junior Party
(U.S. Application 08/545,092),

v.

RICHARD R. **HERTZOG**, STYLIANOS SIFNIADES
AND WILLIAM B. FISHER
Senior Party,
(U.S. Application 09/865,190).

Patent Interference No. 104,831

Before: SPIEGEL, GARDNER LANE and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

JUDGMENT - No Interference-in-Fact - Bd.R. 127(a)
(Revised Judgment)

The Judgment (Paper No. 111) is vacated. The Judgment itself did not identify those claims found unpatentable in the Decision on Preliminary Motions (Interference No. 104,831, Paper No. 110). Further, we note that the Judgment (Paper No. 111) incorrectly identified

Zakoshansky claims 22-26 as remaining, yet these claims were held unpatentable in the Decision on Preliminary Motions. It is:

ORDERED that the prior Judgment (Paper No. 111) is vacated.

FURTHER ORDERED that Hertzog claims 7-8, 10-29, 31-37, 39-41 and 43 are unpatentable. (See Decision on Preliminary Motions, Paper No. 110).

FURTHER ORDERED that Zakoshansky claims 1-4, 6-11, 21-27, 29-31 and 33-41 are unpatentable. (See Decision on Preliminary Motions, Paper No. 110).

FURTHER ORDERED that there is no interference-in-fact between the remaining claims of Zakoshansky, U.S. Serial No. 08/545,092 (claims 5, 12-20, and 28) and Hertzog, et al., U.S. Serial No. 08/865,190 (claims 9, 30, 38 and 42).

FURTHER ORDERED that a copy of this judgment shall be placed and given a paper number in the file of Zakoshansky, U.S. Serial No. 08/545,092 and in the file of Hertzog, et al., U.S. Serial No. 08/865,190.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135 (c).

cc: (via Facsimile):

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